

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

OCTOBER 22, 2001

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, October 22, 2001, at 7:01 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman, Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr. Councilmember District No. 7; Mr. Henry L. Richardson, Councilmember District No. 8; Mr. Richard Lingenfelter, Deputy County Attorney; and Ms. Barbara B. Austin, Clerk to County Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Regular Meeting of Berkeley County Council at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the News media and posted electronically.

Chairman Rozier called the meeting to order; Councilmember Spooner gave the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's approval of minutes for Public Hearings: LLEBG; and Bills Numbered 01-31, 01-32, 01-33, 01-34, 01-35, 01-36, 01-37, 01-38, 01-39 and 01-40, September 24, 2001. Also, Regular Council Meeting, September 24, 2001.

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

No one signed up for Public Discussion.

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to enter into Executive Session for the reason stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered Executive Session at 7:05 p.m. and returned at 7:47 p.m.

Mr. Lingenfelter stated that in Executive Session Berkeley County Council discussed matters as stated in the motion; and took no action, formal or otherwise.

Chairman Rozier read the four Bills for Third Reading.

THIRD READINGS:

“BILL NO. 01-43, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #117-00-00-038.”
(Joseph E. Rudd)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on third and final reading Bill No. 01-43. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 01-10-46 is attached to these Minutes.)

“BILL NO. 01-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #252-00-00-035.”
(Fusion Properties, LLC)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on third and final reading Bill No. 01-44. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 01-10-47 is attached to these Minutes.)

“BILL NO. 01-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #252-00-00-002.”
(Griffith-Knapp Properties)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on third and final reading Bill No. 01-45. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 01-10-48 is attached to these Minutes.)

“BILL NO. 01-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #252-00-00-003.”
(George E. Polk)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on third and final reading Bill No. 01-46. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 01-10-49 is attached to these Minutes.)

Chairman Rozier stated there were five Bills for Second Reading.

SECOND READINGS:

“BILL NO. 01-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMSs #232-00-02-100 AND 232-00-02-010.” (Ruth T. Ayers)

“BILL NO. 01-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #242-00-02-051.” (Bid Realty)

“BILL NO. 01-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #242-00-02-041.” (Frances J. Garrison)

“BILL NO. 01-52, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on second reading Bills Numbered 01-49, 01-50, 01-51 and 01-52. The motion passed by unanimous voice vote of Council.

“BILL NO. 01-53, AN ORDINANCE RECOMMENDING THE REDISTRICTING OF BERKELEY COUNTY SINGLE MEMBER DISTRICTS, DESIGNATING SUCH RECOMMENDED DISTRICTS, AUTHORIZING THE SUBMITTING OF THE REDISTRICTING PLAN TO THE UNITED STATES JUSTICE DEPARTMENT IN ACCORDANCE WITH SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve on second reading Bill No. 01-53.

Councilmember Mims asked when did the map have to go to the Department of Justice? Chairman Rozier stated there was not a particular date but it needs to get to them fairly soon in order to be approved by the primary elections. It takes a minimum of 90 days to approve the map. Councilmember Mims stated she was not comfortable with the map because she did not have any input regarding her district lines.

Chairman Rozier stated any changes could be made by Council. He asked Councilmember Mims if she had changes to recommend? Councilmember Mims stated that a lady called and indicated to her that she did not care to be in any district except District 6. Chairman Rozier stated our maps are not drawn on a selection by citizens; the map is drawn based on the number of people needed in a district, continuity, and not having retrogression in the minority districts.

Councilmember Mims stated that in the classes taught by Bobby Bowers, he told her that District 6 would be in big question when it goes to the Justice Department. Chairman Rozier stated Bobby Bowers drew the map and recommended it to Council as to how the district lines should be drawn. Councilmember Mims stated she would like to meet with him before there is a final vote and suggested this item be held.

Chairman Rozier stated the Public Hearing on this item would be held on November 5, 2001, at 5:00 p.m.

Councilmember Richardson asked would they have to talk with Mr. Bowers to make changes? Chairman Rozier stated Council could recommend any change; then the map would be redrawn to see if the changes fit within the requirements. Councilmember Richardson stated he understood all of the particulars but he is looking at areas that were originally in his district that he would like to keep, and give back the sections that were not. He stated it's a minor change; for example, toward Daniel Island, the small section that goes toward Victoria Road that went into District 2. Chairman Rozier stated it could not be part of a census tract; it has to be the whole census tract.

Chairman Rozier stated that after the map has been presented to Council, it could only be changed by a vote of Council. He stated that he would present the map to the School Board because this map also affects them. Councilmember Richardson stated he would recommend his changes and have them forwarded to Mr. Bowers.

Chairman Rozier stated Mr. Bowers used the 2000 census divided by eight as criteria, which is the target number. This is to keep each County Councilmember and each School Board member within his or her district so that no two incumbents would have to run against each other. Districts 7 and 8 have no retrogression in the minority population. He stated District 8 was increased from 47.45 to 53.46 percent. District 7 was kept above 59 percent and the voting age also increased in the minority population. With that information Mr. Bowers drew this map.

The motion passed by majority voice vote of Council with Councilmember Mims voting “nay.”

Chairman Rozier read the Bills for First Reading.

FIRST READINGS:

“BILL NO. 01-54, AN ORDINANCE APPROVING THE FINANCING OF CERTAIN IMPROVEMENTS TO THE SEWER SYSTEM PORTION OF THE WATER AND SEWER SYSTEM OF BERKELEY COUNTY, SOUTH CAROLINA, THROUGH A BORROWING BY THE COUNTY OF NOT EXCEEDING \$6,100,000 INCLUDING CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND AUTHORITY, PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; PROVIDING FOR AN AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE COUNTY TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 01-55, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #233-04-00-019.”
(Lecia O. Martin)

“BILL NO. 01-56, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #233-04-00-015.”
(Rose Marie Harmon)

“BILL NO. 01-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #065-00-00-082.”
(Randel Plyler and Richard Kendall)

“BILL NO. 01-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #239-00-00-116.”
(Dallas A. Matthews)

“BILL NO. 01-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN

REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #263-00-03-013.”
(Sharon E. Anderson-Goss)

“**BILL NO. 01-61**, AN ORDINANCE AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AMONG BERKLEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’), AND SJP, LLC AND PEARLSTINE DISTRIBUTORS, INC., (COLLECTIVELY THE ‘COMPANY’); (2) PAYMENT BY THE COMPANY OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND (3) CERTAIN OTHER MATTERS RELATED THERETO.”

“**BILL NO. 01-62**, AN ORDINANCE TO AMEND ORDINANCE NO. 95-6-20 WHICH ESTABLISHED THE DEVON FOREST SPECIAL TAX DISTRICT AND THE DEVON FOREST SPECIAL TAX DISTRICT ADVISORY COMMISSION.”

“**BILL NO. 01-63**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #267-00-00-022.”
(Rodney Lockwood)

“**BILL NO. 01-64**, AN ORDINANCE AUTHORIZING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING A LEASE PURCHASE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND HAARMANN & REIMER A DELAWARE CORPORATION RELATING TO THE EXPANSION AND UPGRADING OF ITS EXISTING MANUFACTURING FACILITIES IN BERKELEY COUNTY, SOUTH CAROLINA, THE ACCEPTANCE OF TITLE BY BERKELEY COUNTY, SOUTH CAROLINA TO THESE FACILITIES, THE LEASE BY BERKELEY COUNTY, SOUTH CAROLINA TO HAARMANN & REIMER OF THE ASSETS SO TRANSFERRED (INCLUDING THE GRANT OF AN OPTION TO HAARMANN & REIMER TO REPURCHASE SUCH ASSETS), THE PAYMENT OF A FEE-IN-LIEU OF PROPERTY TAXES, SPECIAL SOURCE REVENUE INCENTIVE AND OTHER RELATED MATTERS.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2001-2002 BUDGET FOR BERKELEY COUNTY FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

Chairman Rozier stated the funding for the Mosquito Abatement Vehicle is \$2,472 and would come from Lease Purchase. The \$1,542 for the upgrade of position would come from the Salary line item.

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to approve the Transfer Resolution.

Councilmember Spooner indicated she would have to take a stand against the Probate Judge's request in that it's another mandate the State has handed down to them. Councilmember Vaughn indicated they could separate the items.

Chairman Rozier stated they would first vote on the Transfer Resolution, then vote separately on the transfer for the Probate Judge's request.

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to rescind the previous motion to not include the Probate Judge's request in the Transfer Resolution of Funds in the 2001-2002 Berkeley County Budget. The motion passed by unanimous voice vote of Council.

Chairman Rozier called for the vote on the RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2001-2002 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET PERTAINING SPECIFICALLY TO THE FUNDS FOR THE PROBATE JUDGE'S OFFICE.

Judge Kirk stated he understands Local Government resenting mandates and meddling in local affairs by the State Government, but he has a job to do. About a year and a half ago he came to Council with an idea that he undertake work for other counties when residents of other counties are in hospitals in Charleston. The Department of Mental Health pays \$100, which goes directly to this County's treasure. For hearings that he or his Associate Judge conducted in the hospitals in Charleston or for citizens of other counties, brought in \$8000 last year and he expects between that and \$10,000 each year. This work is done voluntarily. Judge Kirk stated should County Council deem it appropriate not to authorize the funds that he considers necessary to conduct the work he must do, then he would certainly review whether it is appropriate for him and his Associate Judge to take on work that benefits County Council, the County Treasure, the County at large.

Councilmember Spooner stated her problem is not with him and what he is doing. She only wanted to make a statement to the State. Judge Kirk stated he understands that they wish to make a statement to the State. However, his statement is that he needs those funds to do the work that is required. He brings in a great deal more than he is asking for.

Councilmember Pinckney stated he understands both sides but realistically looking at it they are talking about citizens of Berkeley County. He stated this is in reference to providing a service the citizens desperately need. They are not talking about a whole lot of money but about much needed monies and he concurs with the Judge.

It was moved by Councilmember Farley and seconded by Councilmember Crosby to approve the Probate Judge's request in the amount of \$3,500 within the Transfer Resolution.

The motion resulted in a Roll Call Vote as follows.

Councilmember Farley

"Aye"

Councilmember Spooner	"Nay"
Councilmember Crosby	"Aye"
Councilmember Davis	"Aye"
Councilmember Vaughn	"Nay"
Councilmember Mims	"Aye"
Councilmember Pinckney	"Aye"
Councilmember Richardson	"Aye"

The motion passed by majority Roll Call vote of Council with 6 "Aye" votes and 2 "Nay" votes. (A copy of Resolution No. R 01-40 is attached to these Minutes.)

Chairman Rozier read the second Resolution as follows.

"RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PROPERTY OF BERKELEY COUNTY."

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to approve the Resolution regarding Surplus Property in Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 01-41 is attached to these Minutes.)

REPORT FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Steve M. Vaughn, Chairman.

Councilmember Vaughn reported the Committee on Finance met on October 8, October 15 and earlier tonight. All matters before them have been taken care of on tonight's agenda.

COMMITTEE ON LAND USE, Councilmember Charles E. Davis Chairman.

Councilmember Davis reported the Committee on Land Use met on October 15 and earlier tonight. Many of the matters before them had been taken care of on tonight's agenda.

The Committee recommends the following item for Denial:

a. Bill No. 01-36, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rebecca Smalls, 3028 Old Highway 52, Moncks Corner, TMS #224-00-01-029, (6.25 acres), from R-2, Mobile Home District, to R-2RF, Mobile Home Rural Farm Residential.

It was moved by Councilmember Davis as Land Use Chairman (no second required) to accept the recommendation of the Committee for denial. The motion passed by unanimous voice vote of Council.

Councilmember Davis stated the next item was a Request by Dan Rash, 429 Howe Hall Road, Goose Creek, which was withdrawn.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember William E. Crosby, Chairman.

Councilmember Crosby reported the Committee on Public Works and Purchasing met on October 15.

It was moved by Councilmember Crosby as Public Works and Purchasing Committee Chairman (no second required) to accept the recommendation to award the Pre-Subtitle D Landfill Closure Seeding Contract to Bohicket Construction Company in the amount of \$57,725.00. The motion passed by unanimous voice vote of Council.

It was moved by Councilmember Crosby as Chairman of the Public Works and Purchasing Committee (no second required) to accept the recommendation to award the contract for Debris Removal resulting from a natural or man made disaster to DRC, Inc. The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Milton Farley, Chairman.

Councilmember Farley reported the Committee on Justice and Public Safety met on October 8 and all matters before them have been taken care of on tonight's agenda.

COMMITTEE ON WATER AND SANITATION, Councilmember Henry L. Richardson, Jr., Chairman.

Councilmember Richardson reported the Committee on Water and Sanitation met on October 8 and several of the matters before them have taken care of.

It was moved by Councilmember Richardson as Chairman of the Water and Sanitation Committee (no second required) to accept the recommendation to allow the Sangaree Special Tax District use of Well 202 in Sangaree to assist in a Landscaping Project. The motion passed by unanimous voice vote of Council.

COMMITTEE ON PLANNING & DEVELOPMENT, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner reported the Committee on Planning & Development met on October 15 and one matter before them was Berkeley County's Strategic Plan for 2001; no action was taken.

COMMITTEE ON COMMUNITY SERVICES, Councilmember Judy C. Mims, Chairman.

Councilmember Mims reported the Committee on Community Services met on October 8 and all matters before them have been taken care of on tonight's agenda.

There was no report from the **COMMITTEE ON COMMUNITY SERVICES**, Councilmember Caldwell Pinckney, Jr., Chairman.

There were no **NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS, ETC.**

Councilmember Mims asked about the status of the DSS Board? Ms. Austin stated the authority for that Board has been given back to County Council. They had not been active for some time. Councilmember Mims stated DSSs' Director is leaving and their concern is how are they going to interview for a new person with no Board in place.

Chairman Rozier asked were all of the member's term on the DSS Board expired? Mr. Lingenfelter stated, as we understand at this point, that Berkeley County Council would assume responsibility on November 1. Chairman Rozier asked to get a report on the Board by the Special Council Meeting on November 5.

There was no **CORRESPONDENCE, UNFINISHED, OR NEW BUSINESS.**

Chairman Rozier announced that the next Regular Council Meeting of Berkeley County Council would be held on November 26, 2001, at 7:00 p.m.

It was moved by Councilmember Crosby and seconded by Councilmember Richardson to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 8:25 for execution of documents.

Chairman Rozier reconvened the meeting for Public Discussion at 8:32 p.m.

PUBLIC DISCUSSION

Ms. Rose Marie Harmon of 130 Bud Lane Summerville stated she had been before the Planning Commission and before Council on last week and she has no objection in reference to her zoning request. She stated her dilemma is that her parents had their property rezoned last year to allow for the grandchild's manufactured home to be set up. At that time she asked Mr. LeaMond whether her property had to be rezoned because her property adjoins her parents' and he said she did not because she lived in a mobile home. So, she purchased a new trailer but when she went to get her permit she found out that the rezoning had changed again and in order for her to upgrade she had to be rezoned. She stated her manufactured home had been sitting on the lot for five weeks and she would like to ask Council was it possible to bypass the Second and Third Reading and talk to Mr. Metts about her getting a permit? Ms. Harmon stated she

currently lives in a 1977 mobile home and has no heat or air. She purchased this new home with the understanding that she would not have to be rezoned.

Chairman Rozier stated that if Council gives him direction that they would go through with the three readings and approval of the permit, he would authorize a permit tomorrow. Mr. Rozier instructed the Clerk of Council to relay this message to Mr. LeaMond and Mr. Metts.

The Public Discussion ended at 8:38 p.m.

S/Barbara B. Austin
Clerk to County Council

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday October 22, 2001, is scheduled to begin at 7:00 P.M., in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearing: LLEBG	September 24, 2001
Public Hearings: Bills Numbered: 01-31, 01-32, 01-33, 01-34, 01-35, 01-36, 01-37, 01-38, 01-39 and 01-3-40	September 24, 2001
Regular Council Meeting	September 24, 2001

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 01-43**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Joseph E. Rudd, 3963 State Road, Ridgeville, TMS #117-00-00-038 (1.34 acres), from F-1, Flexible District, to CN, Neighborhood Commercial. Council District No. 7.
[Recommended by Committee on Land Use]
2. **Bill No. 01-44**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Fusion Properties, LLC, 7060 North Rhett, Goose Creek, TMS #252-00-00-035 (4.24 acres), from CG, General Commercial District, to HI, Heavy Industrial District. Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 01-45**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Griffith-Knapp Properties, North Rhett, Goose Creek, TMS #252-00-00-002 (4 acres), from CG, General Commercial District, to HI, Heavy Industrial District. Council District No. 3.
[Recommended by Committee on Land Use]
4. **Bill No. 01-46**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: George E. Polk, Corner of Redbank Road and North Rhett, Goose Creek, TMS #252-00-00-003 (13.2 acres), from CG, General Commercial District to HI, Heavy Industrial District. Council District No. 3.
[Recommended by Committee on Land Use]

SECOND READING:

1. **Bill No. 01-49**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ruth T. Ayers, Trustee, 165 Royle Road, Ladson, TMS #232-00-02-100 and 232-00-02-010 (15.84 acres total), from CG, General Commercial District and F-1, Flexible District, to LI, Light Industrial District. Council District No. 4.
[Recommended by Committee on Land Use]
2. **Bill No. 01-50**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Bid Realty, Royle Road, Ladson, TMS #242-00-02-051 (17.1 acres), from CG, General Commercial District, to LI, Light Industrial District. Council District No. 5.
[Recommended by Committee on Land Use]
3. **Bill No. 01-51**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Frances J. Garrison, 174 Highway 78, Ladson, TMS #242-00-02-041 (1.86 acres), from R-1, Single Family Residential, to CG, General Commercial District. Council District No. 5.
[Recommended by Committee on Land Use]
4. **Bill No. 01-52**, An Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the joint county industrial park, and other matters relating thereto.
[Recommended by Committee on Finance]
5. **Bill No. 01-53**, An Ordinance recommending the redistricting of Berkeley County Single Member Districts, designating such recommended districts, authorizing the submitting of the redistricting plan to the United States Justice Department in accordance with Section 5 of the Voting Rights Act of 1965, and other matters relating thereto.

FIRST READING:

1. **Bill No. 01-54**, An Ordinance approving the financing of certain improvements to the sewer system portion of the water and sewer system of Berkeley County, South Carolina, through a borrowing by the County of not exceeding \$6,100,000 including capitalized interest, if any, from the State Water Pollution Control Revolving fund, by agreement with the South Carolina Water Quality Revolving Fund Authority, pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, As Amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the County to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.
[Recommended by Committee on Water & Sanitation]
2. **Bill No. 01-55**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lecia O. Martin, 930 College Park Road, Summerville, TMS #233-04-00-019 (2.87 acres), from GC, General Commercial District, to RNC, Rural and Neighborhood Commercial District. Council District No. 4.
[Recommended by Committee on Land Use]
3. **Bill No. 01-56**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rose Marie Harmon, 130 Bud Lane, Summerville, TMS #233-04-00-015 (1 Lot), from R-1, Single Family Residential District, to R-1MM, Multi-Section Residential District. Council District No. 4.
[Recommended by Committee on Land Use]
4. **Bill No. 01-57**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Randel Plyler and Richard Kendall, Ranger Drive and Shortcut Road, Cross, TMS #065-00-00-082 (2.37 acres), from RNC, Rural and Neighborhood Commercial District, to F-1, Agricultural District. Council District No. 7.
[Recommended by Committee on Land Use]
5. **Bill No. 01-58**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dallas A. Matthews, Jr. for Linda Matthews, 1444 Charity Church Road, Huger, TMS #239-00-00-116 (2 acres), from RNC, Rural and Neighborhood Commercial District, to GC, General Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]
6. **Bill No. 01-59**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Kenneth Flowers, S-8-27 near I-26, Ridgeville, TMS #175-00-02-008 (26.49 acres), from F-1, Flexible District, to LI, Light Industrial District. Council District No. 7.

[Recommended by Committee on Land Use]

7. **Bill No. 01-60**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Sharon E. Anderson-Goss, Clements Ferry Road and Oakview Lane, Wando, TMS #263-00-03-013 (2.12 acres), from R-2, Mobile Home Residential District, to CG, General Commercial. Council District No. 8.

[Recommended by Committee on Land Use]

8. **Bill No. 01-61**, an Ordinance authorizing: (1) the execution and delivery of a fee in lieu of tax agreement among Berkeley County, South Carolina (the "County"), and SJP, LLC

[Recommended Committee on Finance]

9. **Bill No. 01-62**, an Ordinance to amend Ordinance No. 95-6-20 which established the Devon Forest Special Tax District and the Devon Forest Special Tax District Advisory Commission.

[Recommended by Committee on Finance]

10. **Bill No. 01-63**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rodney Lockwood, 2410 Clements Ferry Road, Wando, TMS #267-00-00-022 (.55 acres), from R-2, Mobile Home Residential District, to CG, General Commercial District. Council District No. 8.

[Recommended by Committee on Land Use]

11. **Bill No. 01-64**, an ORDINANCE authorizing certain economic development incentives, including a lease purchase agreement between Berkeley County, South Carolina and Haarmann & Reimer, a Delaware Corporation, relating to the expansion and upgrading of its existing manufacturing facilities in Berkeley County, South Carolina, the acceptance of title by Berkeley County, South Carolina to these facilities, the lease by Berkeley County, South Carolina to Haarmann & Reimer of the assets so transferred (including the grant of an option to Haarmann & Reimer to repurchase such assets), the payment of a fee-in-lieu of property taxes, special source revenue incentive and other related matters

[Recommended by Committee on Finance]

RESOLUTIONS:

1. RESOLUTION providing for the Transfer of Funds in the 2001-2002 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. RESOLUTION authorizing disposition of surplus property of Berkeley County.

[Recommended by Committee on Public Works & Purchasing]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember Steve M. Vaughn, Chairman.
2. Committee on Land Use.
Councilmember Charles E. Davis, Chairman.

Recommendations to deny:

a. **Bill No. 01-36**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rebecca Smalls, 3028 Old Highway 52, Moncks Corner, TMS #224-00-01-029, (6.25 acres), from R-2, Mobile Home District, to R-2RF, Mobile Home Rural Farm Residential District. Council District No. 4.

b. **Request by Dan Rash**, 429 Howe Hall Road, Goose Creek, TMS #252-00-00-001 and 252-02-03-033 (11.92 acres total), from R-2, Manufactured Residential District, to LI, Light Industrial District. Council District No. 3.

- 3 Committee on Public Works and Purchasing.
Councilmember William E. Crosby, Chairman.
Sealed Bids:
 - a. Landfill closure-seeding contract.
 - b. Contract for Debris Removal, DRC.
4. Committee on Justice and Public Safety.
Councilmember Milton Farley, Chairman.
5. Committee on Water and Sanitation.
Councilmember Henry L. Richardson, Jr., Chairman.
6. Committee on Planning and Development.
Councilmember Judith K. Spooner, Chairman.
- 7 Committee on Community Services.
Councilmember Judy C. Mims, Chairman.
 - a. Sangaree Well.
8. Committee on Human Services.
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

1. BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD
2. BERKELEY COUNTY LIBRARY BOARD

3. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
4. HOUSING BOARD OF ADJUSTMENTS AND APPEALS
5. SANGAREE SPECIAL TAX ADVISORY COMMISSION
6. SANTEE COOPER COUNTIES PROMOTION COMMISSION
7. SPIERS LANDING COMMISSION

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The November 2001, Regular Meeting of Berkeley County Council will be held on Monday November 26, 2001, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

October 17, 2001
S/Barbara B. Austin
Clerk to County Council